

1 CURTIS R. TINGLEY (SBN112322)  
ctingley@tingleyllp.com  
2 BRUCE C. PIONTKOWSKI (SBN 152202)  
bpiontkowski@tingleyllp.com  
3 TINGLEY PIONTKOWSKI LLP  
10 Almaden Boulevard, Suite 430  
4 San Jose, California 95113  
Telephone: (408) 283-7000  
5 Facsimile: (408) 283-7010

6 Attorneys for Defendants  
MASTER MARKETTERS, INC.,  
7 and SUSAN PACINI

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 CHANEL, INC., a New York corporation,

14 Plaintiff,

15 v.

16 SUSAN LYNNE PACINI aka SUSAN L. PACINI dba  
PLANET TAN dba MASTER MARKETTERS, INC.,  
17 and DOES 1-10, inclusive,

18 Defendants.

CASE NO. CV-07-05946 CRB

**SUPPLEMENTAL DECLARATION  
OF SUSAN PACINI IN SUPPORT OF  
DEFENDANT PACINI'S MOTION TO  
SET ASIDE DEFAULT [FRCP 55(c)]**

**Date: May 30, 2008  
Time: 10:00 a.m.  
Courtroom: 8, 19<sup>th</sup> Floor  
Honorable Charles R. Breyer**

19 I, SUSAN PACINI, declare under the penalty of perjury that:

20 1. I am a defendant in the above-entitled case and am an officer of Master Marketters  
21 Inc.

22 2. I am competent to testify regarding the matters stated herein based upon my own  
23 personal knowledge and I could testify as to these matters in a Court of Law.

24 3. During the summer of 2007, Master Marketters Inc. purchased and sold several  
25 purses and other merchandise in the tanning salon. The subject merchandise was purchased at the  
26 Galt Market in Galt, California. On every Tuesday, the Galt Market holds an open-air market  
27 where wholesalers of goods sell supplies and merchandise to retailers. In fact, whenever we  
28

5AF9C87E.doc

**DECL. IN SUPPORT OF MOTION TO SET ASIDE  
CASE NO. CV-07-05946 CRB**

1 purchased anything from this market, I was required to show the company's reseller license. We  
2 do not possess receipts for these purchases. Our business is a small operation and we do not have  
3 the formalities in place to retain invoices or receipts for the merchandise purchased so long ago.

4 4. I believed that the merchandise that was labeled "Chanel" that was purchased was  
5 genuine and not "knock offs" or "counterfeits." I was told by the person who sold the purses that  
6 the purses were "last season's" designs and were leftovers. We purchased the Chanel  
7 merchandise from several of the vendors at the Galt Market.

8 5. There was nothing about these products that indicated to me that they were  
9 anything but genuine.

10 6. In December 2007, Mr. Knox discussed the complaint with me and suggested that  
11 he would continue to try to resolve the matter. I called him on several occasions after sending  
12 him the complaint, but I heard nothing from him. I assumed that he was my attorney and the  
13 attorney for the company, and that he was taking all steps that were required.

14 7. I did not hear from Mr. Knox until he called me in early April 2008. In that  
15 telephone conference he stated that a deadline had been missed and that I should retain civil  
16 counsel. Within days, I retained the law firm of Tingley Piontkowski LLP.

17 I declare under the penalty of perjury that the foregoing statement is true and correct and  
18 is made under the laws of the State of California and the United States. This declaration is being  
19 made in Discovery Bay, California, on May 13, 2008.

20  
21 Dated: May 13, 2008

/s/ Susan Pacini  
SUSAN PACINI

1 I hereby attest that I have on file all holograph signatures for any signature indicated by  
2 "conformed" signature (/s/) within this e-filed document.

3  
4 Dated: May 14, 2008

TINGLEY PIONTKOWSKI LLP

5  
6 By: /s/ Bruce C. Piontkowski  
BRUCE C. PIONTKOWSKI  
7 Attorneys for Defendant  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28